



OGC HAS REVIEWED.

8 November 1955

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with The Association of the Bar of the City
of New York

1. On Tuesday, 25 October, the Director and I attended a dinner and discussion session of the Special Committee on the Federal Loyalty-Security Program of The Association of the Bar of the City of New York. We had been invited by the Chairman of the Special Committee, Mr. Dudley B. Bonsal, to discuss the Agency's experience and special problems with the Federal Loyalty-Security Program. The full Special Committee was present with the exception of Mr. John O'Melveny of Los Angeles, who had left that day. Allen T. Klots, President of the Association, was also present as were Professor Cheatham and Messrs. Williams and Miller, members of the Special Committee staff.

2. The Committee had been sitting for three days in sessions on the Loyalty-Security Program, hearing from the Department of Justice and others. The Director opened the discussion with a statement of the importance of a security program and cited some examples that probably would have been avoided if the present program had been in effect. He took the position generally that the President's Program under Executive Order 10450 was probably the best one that had been instituted, although it had shortcomings particularly from our point of view.

3. The major shortcoming from our experience was the review by boards selected from outside the Agency from a panel maintained by the Civil Service Commission. The lack of responsibility of such a board to the head of the agency they were to advise was emphasized as was the difficult position the board members would find themselves in, particularly in the more political cases. The Director thereupon pointed out that we processed the cases through internal boards under his own authority and found this more satisfactory. I explained how the Director's Program corresponded to and in part complemented the President's Program but was a separate and parallel authority. The Director also commented that perhaps a permanent outside board of

highly qualified individuals with no ax to grind would be the most nearly satisfactory solution.

4. A second difficulty pointed out in the President's Program was the requirement of suspension prior to Board hearings in the 1950 Act. The Director emphasized the advantages of the CIA's program in which suspension is not a requirement in the event of a board hearing but is discretionary at any time. He then mentioned the related problem of prosecution for actions injurious to security, which the Committee had not taken into their study but to which, subsequent to Mr. Dulles' remarks, the Committee thought they might give some attention. I suggested that the Committee might be interested to study the relation of the polygraph to the security program and gave some examples together with a brief description of how the polygraph worked. We also discussed some specific examples of confidential information which could not be given the subject and protection of confidential sources.

5. The consensus of the Committee seemed to be that there was no question of the need for a program for sensitive agencies which should review and take action on the security of employees. Several members seemed quite anxious to be informed as to whether there were not large areas of the Government which were not sensitive and where the full program could be dispensed with. The Director took the position that the establishment of sensitive areas was a matter for the head of each agency to determine and that we could not define those areas.

6. After the session adjourned, I left some unclassified documents with Professor Cheatham, including regulations drafted for the President's Program together with some suggestions for study that this Office had raised and some notes of special points that we had considered from time to time. Professor Cheatham has since written me letters concerning his interest in these papers and his appreciation for them. Mr. Bonsal wrote letters of appreciation both to the Director and to me.

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LAWRENCE R. HOUSTON
General Counsel